

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:98-CR-00244-GCM**

**UNITED STATES,**

**Plaintiff,**

**v.**

**REGINALD ANTHONY FALICE,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court pursuant to the per curiam opinion and judgment of the United States Court of Appeals for the Fourth Circuit, which vacated and remanded the district court's order regarding Defendant's *pro se* Motion (ECF Doc. 342), which was filed on July 27, 2020.

The Fourth Circuit concluded Defendant Falice's motion was a habeas petition under 28 U.S.C. § 2241 and, therefore, this Court has no jurisdiction to consider the Motion because Defendant Falice is incarcerated in the Southern District of Illinois. This Court was instructed to determine whether transferring Defendant Falice's motion would serve the interest of justice or, rather, whether the petition is more appropriately dismissed without prejudice to his refiling, if desired, in the appropriate district court. Having considered the Motion and applicable law, the Court finds that the Motion should be **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED.**

Signed: February 19, 2021



Graham C. Mullen  
United States District Judge

